

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JOHNNIE DEMOND JACKSON,

Plaintiff,

v.

Deputy Warden REGINALD CLARK,

Defendant.

CIVIL ACTION NO.
5:23-cv-00333-TES-AGH

ORDER ADOPTING THE UNITED STATES
MAGISTRATE JUDGE'S RECOMMENDATION

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 121] to deny Plaintiff Johnnie Jackson's Motion for Summary Judgment [Doc. 103]. Plaintiff filed Objections [Doc. 122], which requires the Court to review the Magistrate Judge's Recommendation *de novo*. 28 U.S.C. § 636(b)(1). Even under that rudimentary review, though, the Court still finds the Magistrate Judge's Recommendation correctly reasoned. As the Magistrate Judge laid out, "there is a genuine factual dispute regarding whether Defendant used excessive force against Plaintiff," which cannot be resolved on a summary-judgment motion. Instead, the issue must be resolved at trial. [Doc. 121, p. 4].

Having considered the Recommendation, the Court finds no enumeration of error and agrees with the findings and conclusions of the United States Magistrate Judge. Therefore, the Court **ADOPTS** the United States Magistrate Judge's Recommendation [Doc. 121] and **MAKES IT THE ORDER OF THE COURT**. Accordingly, the Court **DENIES** Plaintiff's Motion for

Summary Judgment [Doc. 103] and sets this case for trial beginning on **July 14, 2025**, with a pretrial conference set for **June 30, 2025**.¹

As outlined by the Court's pretrial conference Order [Doc. 124], the parties should coordinate and complete the required form on or before **June 23, 2025**. If Plaintiff fails to meaningfully participate in the production of the required pretrial conference form, his case may be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (first citing Fed. R. Civ. P. 41(b); and then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The [C]ourt may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.").

SO ORDERED, this 21st day of May, 2025.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE

UNITED STATES DISTRICT COURT

¹ The Court **DENIES** Plaintiff's Motion for Speedy Trial [Doc. 123] because the case is set for the Court's next trial term, and his Motion for Leave to Proceed In Forma Pauperis [Doc. 118] **as moot** since Plaintiff previously paid the filing fee on September 11, 2023.